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10/812,791	03/30/2004	Francis G. McCabe	073338.0180 (04-50100 FLA	4222
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BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980			VETTER, DANIEL	
			ART UNIT	PAPER NUMBER
			3628	
			NOTIFICATION DATE	DELIVERY MODE
			03/06/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/812,791	Applicant(s) MCCABE ET AL.	
	Examiner DANIEL P. VETTER	Art Unit 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15,17-23,25 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15,17-23,25 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Status of the Claims

1. Claims 1-26 were previously pending in this application. Claims 1, 4-5, 9, 12-13, 17, 20-21, 25-26, and claims 8, 16, and 24 were canceled in the reply filed December 10, 2007. Claims 1-7, 9-15, 17-23, and 25-26 are currently pending in this application.

Response to Arguments

2. Applicant's amendments overcome the rejections made to claims 9-24 under § 101 and they are withdrawn.

3. Applicant's amendments overcome the rejections made to claims 1-7, 9-15, 16-23, and 25-26 under § 112, second paragraph, and they are withdrawn.

4. Applicant's arguments with respect to the rejections made under § 103(a) have been considered but are unpersuasive. The amended claim limitations are taught by DeLorme as set forth in the rejections below, and applicant has not provided a detailed analysis comparing any deficiencies of the applied references to the limitations of the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeLorme, et al., U.S. Pat. No. 5,948,040 (Reference A of the PTO-892 part of paper no. 20070823) in view of Swart, et al., U.S. Pat. Pub. No. 2002/0095319 (Reference B of the PTO-892 part of paper no. 20070823).

7. As per claim 1, DeLorme teaches a method for building an itinerary, comprising: receiving one or more consumer descriptors at a consumer agent operating on behalf of

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a consumer (col. 41, lines 45-46); identifying a plurality of recommended services from a plurality of services (col. 41, lines 49-50) using a service agent operating as a service finder (col. 10, lines 21-31), the recommended services identified in accordance with the one or more consumer descriptors (col. 19, lines 38-39; col. 41, lines 45-50), each service of the plurality of services associated with a service description (col. 56, line 35); presenting a timeline and the recommended services (col. 22, lines 24-26; col. 41, line 57; Fig. 1B-2); identifying an advertisement in accordance with the one or more consumer descriptors using an advertising agent (col. 64, lines 5-10, 20-21); presenting the advertisement (col. 61, lines 49-50, 54-55); determining a selection of a service offering of the recommended services as an event for the itinerary (col. 19, lines 35-39; col. 41, lines 49-51); indicating one or more available times of the selected service offering (col. 19, lines 44-45; col. 41, lines 52-53); and determining a selection of an available time of the one or more available times of the selected service offering (col. 19, lines 49-50; col. 41, line 57). While DeLorme broadly teaches the selection of services and times (e.g., col. 19, lines 35-50; col. 41, lines 45-58) and also the use of timelines for scheduling (col. 22, lines 24-26; Fig. 1B-2), it does not explicitly teach that these selections are made using the timeline; which is taught by Swart (¶¶ 0107, 0110; Fig. 4a). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Swart into the DeLorme because it allows managing and creating time-based entities in a transaction database that greatly reduces the need for management (as taught by Swart; ¶ 0024).

8. As per claim 9, DeLorme teaches a system for building an itinerary, comprising: a database embodied in a tangible computer-readable medium, the database operable to store one or more consumer descriptors associated with a consumer (col. 19, lines 26-29); and one or more agents embodied in a tangible computer-readable medium, the one or more agents coupled to the database and operable to (col. 13, lines 54-55): identify a plurality of recommended services from a plurality of services (col. 41, lines 49-50) using a service agent operating as a service finder (col. 10, lines 21-31), the

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recommended services identified in accordance with the one or more consumer descriptors (col. 19, lines 38-39; col. 41, lines 45-50), each service of the plurality of services associated with a service description (col. 56, line 35); present a timeline and the recommended services (col. 22, lines 24-26; col. 41, line 57; Fig. 1B-2); identify an advertisement in accordance with the one or more consumer descriptors using an advertising agent (col. 64, lines 5-10, 20-21); present the advertisement (col. 61, lines 49-50, 54-55); determine a selection of a service offering of the recommended services as an event for the itinerary (col. 19, lines 35-39; col. 41, lines 49-51); indicate one or more available times of the selected service offering (col. 19, lines 44-45; col. 41, lines 52-53); and determine a selection of an available time of the one or more available times of the selected service offering (col. 19, lines 49-50; col. 41, line 57). While DeLorme broadly teaches the selection of services and times (e.g., col. 19, lines 35-50; col. 41, lines 45-58) and also the use of timelines for scheduling (col. 22, lines 24-26; Fig. 1B-2), it does not explicitly teach that these selections are made using the timeline; which is taught by Swart (¶¶ 0107, 0110; Fig. 4a). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Swart into the DeLorme because it allows managing and creating time-based entities in a transaction database that greatly reduces the need for management (as taught by Swart; ¶ 0024).

9. As per claim 17, DeLorme teaches logic for building an itinerary, the logic embodied in a tangible computer-readable medium and operable to: receive one or more consumer descriptors at a consumer agent operating on behalf of a consumer (col. 41, lines 45-46); identify a plurality of recommended services from a plurality of services (col. 41, lines 49-50) using a service agent operating as a service finder (col. 10, lines 21-31), the recommended services identified in accordance with the one or more consumer descriptors (col. 19, lines 38-39; col. 41, lines 45-50), each service of the plurality of services associated with a service description (col. 56, line 35); present a timeline and the recommended services (col. 22, lines 24-26; col. 41, line 57; Fig. 1B-2);

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identify an advertisement in accordance with the one or more consumer descriptors using an advertising agent (col. 64, lines 5-10, 20-21); present the advertisement (col. 61, lines 49-50, 54-55); determine a selection of a service offering of the recommended services as an event for the itinerary (col. 19, lines 35-39; col. 41, lines 49-51); indicate one or more available times of the selected service offering (col. 19, lines 44-45; col. 41, lines 52-53); and determine a selection of an available time of the one or more available times of the selected service offering (col. 19, lines 49-50; col. 41, line 57). While DeLorme broadly teaches the selection of services and times (e.g., col. 19, lines 35-50; col. 41, lines 45-58) and also the use of timelines for scheduling (col. 22, lines 24-26; Fig. 1B-2), it does not explicitly teach that these selections are made using the timeline; which is taught by Swart (¶¶ 0107, 0110; Fig. 4a). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Swart into the DeLorme because it allows managing and creating time-based entities in a transaction database that greatly reduces the need for management (as taught by Swart; ¶ 0024).

10. As per claims 2, 10, and 18, DeLorme in view of Swart teaches the method of claim 1 system of claim 9 and logic of claim 17 as described above. DeLorme further teaches comparing the service descriptions with the one or more consumer descriptors comprising a consumer requirement (col. 56, lines 33-36); and identifying the recommended services in accordance with the comparison (col. 56, lines 33-36).

11. As per claims 3, 11, and 19, DeLorme in view of Swart teaches the method of claim 1 system of claim 9 and logic of claim 17 as described above. DeLorme further teaches receiving prioritization information associated with the services (col. 26, lines 30-31), the prioritization information comprising at least one of a compatibility metric, a proximity metric, and an evaluation metric for a service, the compatibility metric measuring compatibility of the service and the one or more consumer descriptors, the proximity metric measuring the distance between the service and a consumer location of the consumer, the evaluation metric measuring at least one of a popularity and a

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rating of the service (col. 26, lines 40-42, 65-67; col. 30, lines 28-31); prioritizing the services in accordance with the prioritization information (col. 26, lines 37-40); and identifying the recommended services in accordance with the prioritization (col. 26, lines 42-44).

12. As per claims 4, 12, and 20, DeLorme in view of Swart teaches the method of claim 1 system of claim 9 and logic of claim 17 as described above. DeLorme further teaches receiving prioritization information associated with the services (col. 26, lines 30-31), the prioritization information comprising at least one of a compatibility metric, a proximity metric, and an evaluation metric for a service, the compatibility metric measuring compatibility of the service and the one or more consumer descriptors, the proximity metric measuring the distance between the service and a consumer location of the consumer, the evaluation metric measuring at least one of a popularity and a rating of the service (col. 26, lines 40-42, 65-67; col. 30, lines 28-31); prioritizing the services in accordance with the prioritization information (col. 26, lines 37-40), wherein: if the prioritization information comprises a compatibility metric and a proximity metric, the compatibility metric being weighted higher than the proximity metric (col. 26, lines 41-42); if the prioritization information comprises a proximity metric and an evaluation metric, the proximity metric being weighted higher than the evaluation metric (col. 26, lines 64-66); and identifying the recommended services in accordance with the prioritization (col. 26, lines 42-44, 51-54). Examiner notes that the above weighting scheme is at least implicit in the teachings of DeLorme because the reference teaches that evaluation is a parameter that is weighted in accordance with other preferences (col. 47, lines 40-41) and that the system is capable of weighting preferences in any desirable order in relation to one another by routine engineering and with predictable results (col. 23, lines 38-39; col. 26, lines 14-28). "[I]t is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." *In re Preda*, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968).

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13. As per claims 5, 13, and 21, DeLorme in view of Swart teaches the method of claim 1 system of claim 9 and logic of claim 17 as described above. DeLorme further teaches indicating an offered timeframe during which the selected service offering is offered (col. 19, lines 37-41, 49-50; col. 41, line 51); receiving a selection of the selected service offering within the offered timeframe (col. 19, lines 35-37); and indicating the one or more available times of the selected service offering within the offered timeframe (col. 19, lines 43-45, 49-50; col. 41, lines 52-57).

14. As per claims 6, 14, and 22, DeLorme in view of Swart teaches the method of claim 1 system of claim 9 and logic of claim 17 as described above. DeLorme further teaches detecting that the service offering has been placed in the timeline (col. 21, lines 8-12).

15. As per claims 7, 15, and 23, DeLorme in view of Swart teaches the method of claim 1 system of claim 9 and logic of claim 17 as described above. DeLorme further teaches detecting that the service offering has been placed at a time corresponding to the available time (col. 21, lines 8-12).

16. As per claims 8, 16, and 24, DeLorme in view of Swart teaches the method of claim 1 system of claim 9 and logic of claim 17 as described above. DeLorme further teaches the timeline comprises a fuzzy timeline undivided by a plurality of fixed time segments (col. 41, lines 24-25).

As per claim 25, DeLorme teaches a system for building an itinerary, comprising: means for receiving one or more consumer descriptors at a consumer agent operating on behalf of a consumer (col. 41, lines 45-46); means for identifying a plurality of recommended services from a plurality of services (col. 41, lines 49-50) using a service agent operating as a service finder (col. 10, lines 21-31), the recommended services identified in accordance with the one or more consumer descriptors (col. 19, lines 38-39; col. 41, lines 45-50), each service of the plurality of services associated with a service description (col. 56, line 35); means for presenting a timeline and the recommended services (col. 22, lines 24-26; col. 41, line 57; Fig. 1B-2); means for identifying an advertisement in accordance with the one or more consumer descriptors

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using an advertising agent (col. 64, lines 5-10, 20-21); means for presenting the advertisement (col. 61, lines 49-50, 54-55); means for determining a selection of a service offering of the recommended services as an event for the itinerary (col. 19, lines 35-39; col. 41, lines 49-51); means for indicating one or more available times of the selected service offering (col. 19, lines 44-45; col. 41, lines 52-53); and means for determining a selection of an available time of the one or more available times of the selected service offering (col. 19, lines 49-50; col. 41, line 57). While DeLorme broadly teaches the selection of services and times (e.g., col. 19, lines 35-50; col. 41, lines 45-58) and also the use of timelines for scheduling (col. 22, lines 24-26; Fig. 1B-2), it does not explicitly teach that these selections are made using the timeline; which is taught by Swart (¶¶ 0107, 0110; Fig. 4a). It would have been prima facie obvious to one having ordinary skill in the art at the time of invention to incorporate the above teachings of Swart into the DeLorme because it allows managing and creating time-based entities in a transaction database that greatly reduces the need for management (as taught by Swart; ¶ 0024).

17. As per claim 26, DeLorme in view of Swart teaches the limitations of claims 1-8 as described above.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito, U.S. Pat. Pub. No. 2001/0027415 (Reference A of the attached PTO-892) teaches a communication dealer terminal that stores advertisement data and consumer's position data and taste data, selects advertisement data on the basis of the position data, taste data and time, and transmits the selected advertisement data to consumers; and a company terminal that includes a means for transmitting advertisement data to the communication dealer terminal, a means for accepting a reservation request via the communication dealer and executing a reservation process, a means for checking whether a consumer coming to shop has requested a reservation, and a means for selling goods or the like. Leftkowitz, U.S. Pat. Pub. No. 2001/0037250

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(Reference B of the attached PTO-892) teaches a method and apparatus for selling a combination of travel tickets and consumer items to customers and, in particular, for selling international travel tickets and duty free items to international travelers.

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. VETTER whose telephone number is (571)270-1366. The examiner can normally be reached on Monday through Thursday from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571) 272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/John W Hayes/

Supervisory Patent Examiner, Art Unit 3628